

## **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

RICARDO R. GARCIA, DUANE K. GLOVER, ) Case No.: 1:19-cv-00331-LO-MSN  
PAUL E. JACOBSON, GAETANO CALISE, )  
MYKHAYLO I. HOLOVATYUK, BRIAN )  
GARCIA, PAUL THOMSON, and DAVID )  
HARTMAN on behalf of themselves and all others )  
similarly situated, )  
Plaintiffs, )  
v. )  
VOLKSWAGEN GROUP OF AMERICA, INC. )  
a/k/a AUDI OF AMERICA, INC., and )  
VOLKSWAGEN AKTIENGESELLSCHAFT, )  
Defendants. )

**DECLARATION OF MICHAEL J. MELKERSEN**

Michael J. Melkersen, counsel to Plaintiffs in the above-styled action, under penalties of perjury, and in support of the Plaintiffs' Motion For Class Certification, submits the following declaration:

1. I am a member in good standing of the Virginia State Bar and the Maryland State Bar. I am over the age of 18 years old. I have knowledge of the facts set forth in this Declaration, all of which are true and correct to the best of my knowledge and belief.
2. I am counsel of record for Plaintiffs and have been appointed Interim Class Counsel by the Court in this action.
3. Attached hereto as Exhibit 1 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Michael Ashton of September 22, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

4. Attached hereto as Exhibit 2 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00408334, which is being filed under seal pursuant to the Stipulated Protective Order.

5. Attached hereto as Exhibit 3 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00272557, which is being filed under seal pursuant to the Stipulated Protective Order.

6. Attached hereto as Exhibit 4 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00274020, which is being filed under seal pursuant to the Stipulated Protective Order.

7. Attached hereto as Exhibit 5 is a true and correct copy of Expert Report of Edward Stockton, which is being filed under seal pursuant to the Stipulated Protective Order.

8. Attached hereto as Exhibit 6 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00283925, which is being filed under seal pursuant to the Stipulated Protective Order.

9. Attached hereto as Exhibit 7 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Kai Ly of September 16, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

10. Attached hereto as Exhibit 8 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00257021, which is being filed under seal pursuant to the Stipulated Protective Order.

11. Attached hereto as Exhibit 9 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00431850, which is being filed under seal pursuant to the Stipulated Protective Order.

12. Attached hereto as Exhibit 10 is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-Garcia-00092132, which is being filed under seal pursuant to the Stipulated Protective Order.

13. Attached hereto as Exhibit 11 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Jerohn Anderson of June 17, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

14. Attached hereto as Exhibit 12 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00188317, which is being filed under seal pursuant to the Stipulated Protective Order.

15. Attached hereto as Exhibit 13 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00188431, which is being filed under seal pursuant to the Stipulated Protective Order.

16. Attached hereto as Exhibit 14 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Carrie Glynn of June 2, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

17. Attached hereto as Exhibit 15 is a true and correct copy of Expert Report of Stuart Raskin, which is being filed under seal pursuant to the Stipulated Protective Order.

18. Attached hereto as Exhibit 16 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00552640 at 00552664, which is being filed under seal pursuant to the Stipulated Protective Order.

19. Attached hereto as Exhibit 17 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Stefan Weber of July 15, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

20. Attached hereto as Exhibit 18 is a true and correct copy of Expert Report of Peter J. Leiss, which is being filed under seal pursuant to the Stipulated Protective Order.

21. Attached hereto as Exhibit 19 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Stephen White of September 17, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

22. Attached hereto as Exhibit 20 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Bianca Schoenwaelder of July 27, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

23. Attached hereto as Exhibit 21 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Bryan Reel of June 4, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

24. Attached hereto as Exhibit 22 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Patrick Stowe of June 10, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

25. Attached hereto as Exhibit 23 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Chi-Han Chen of June 16, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

26. Attached hereto as Exhibit 24 is a true and correct copy of Exhibit Number 2 to the Deposition of Coleman Sachs on September 21, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

27. Attached hereto as Exhibit 25 is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-Garcia-00112693, which is being filed under seal pursuant to the Stipulated Protective Order.

28. Attached hereto as Exhibit 26 is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-Garcia-00000298, which is being filed under seal pursuant to the Stipulated Protective Order.

29. Attached hereto as Exhibit 27 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Alejandro Cendejas Tena of September 20, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

30. Attached hereto as Exhibit 28 is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-Garcia-00128863, which is being filed under seal pursuant to the Stipulated Protective Order.

31. Attached hereto as Exhibit 29 is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-Garcia-00080173, which is being filed under seal pursuant to the Stipulated Protective Order.

32. Attached hereto as Exhibit 30 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00706263, which is being filed under seal pursuant to the Stipulated Protective Order.

33. Attached hereto as Exhibit 31 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00887829, which is being filed under seal pursuant to the Stipulated Protective Order.

34. Attached hereto as Exhibit 32 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00711354, which is being filed under seal pursuant to the Stipulated Protective Order.

35. Attached hereto as Exhibit 33 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00903426, which is being filed under seal pursuant to the Stipulated Protective Order.

36. Attached hereto as Exhibit 34 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00748185, which is being filed under seal pursuant to the Stipulated Protective Order.

37. Attached hereto as Exhibit 35 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Steven Slatton of June 15, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

38. Attached hereto as Exhibit 36 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00884240, which is being filed under seal pursuant to the Stipulated Protective Order.

39. Attached hereto as Exhibit 37 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Edward Stutzman of May 25, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

40. Attached hereto as Exhibit 38 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Scott Vazin of August 20, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

41. Attached hereto as Exhibit 39 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00412426, which is being filed under seal pursuant to the Stipulated Protective Order.

42. Attached hereto as Exhibit 40 is a true and correct copy of Deposition Exhibit Number 11 to the Deposition of Scott Vazin on August 20, 2021.

43. Attached hereto as Exhibit 41 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00888322, which is being filed under seal pursuant to the Stipulated Protective Order.

44. Attached hereto as Exhibit 42 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00450500, which is being filed under seal pursuant to the Stipulated Protective Order.

45. Attached hereto as Exhibit 43 is a true and correct copy of Expert Report of Coleman Sachs, which is being filed under seal pursuant to the Stipulated Protective Order.

46. Attached hereto as Exhibit 44 is a true and correct copy of a National Highway Traffic and Safety Administration (“NHTSA”) Recall No. 21V321-4569.

47. Attached hereto as Exhibit 45 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Joseph Koenig of September 20, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

48. Attached hereto as Exhibit 46 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00002498, which is being filed under seal pursuant to the Stipulated Protective Order.

49. Attached hereto as Exhibit 47 is a true and correct copy of a subpoena response discovery document produced by third-party Carfax and marked as MR\_CARFAX SUB RESP001277, which is being filed under seal pursuant to the Stipulated Protective Order.

50. Attached hereto as Exhibit 48 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00278738, which is being filed under seal pursuant to the Stipulated Protective Order.

51. Attached hereto as Exhibit 49 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Peter Harvey of September 15, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

52. Attached hereto as Exhibit 50 is a true and correct copy of Expert Report of Peter Harvey, which is being filed under seal pursuant to the Stipulated Protective Order.

53. Attached hereto as Exhibit 51 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00002215, which is being filed under seal pursuant to the Stipulated Protective Order.

54. Attached hereto as Exhibit 52 is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00185514, which is being filed under seal pursuant to the Stipulated Protective Order.

55. Attached hereto as Exhibit 53 is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-Garcia-00128855, which is being filed under seal pursuant to the Stipulated Protective Order.

56. Attached hereto as Exhibit 54 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Annett Schramm of July 8, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

57. Attached hereto as Exhibit 55 is a true and correct copy of a National Highway Traffic and Safety Administration (“NHTSA”) Recall No. 18V329-3476.

58. Attached hereto as Exhibit 56 is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-Garcia-00128911, which is being filed under seal pursuant to the Stipulated Protective Order.

59. Attached hereto as Exhibit 57 is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-Garcia-00101321, which is being filed under seal pursuant to the Stipulated Protective Order.

60. Attached hereto as Exhibit 58 is a true and correct copy of a National Highway Traffic and Safety Administration (“NHTSA”) Recall No. 19V679-8161.

61. Attached hereto as Exhibit 59 is a true and correct copy of a National Highway Traffic and Safety Administration (“NHTSA”) Recall No. 20V561-9785.

62. Attached hereto as Exhibit 60 is a true and correct copy of the cited excerpts of the Transcript of the Deposition of Edward Stutzman of June 23, 2021, at 251:7-23, which is being filed under seal pursuant to the Stipulated Protective Order.

63. Attached hereto as Exhibit 61 is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-Garcia-00107082, which is being filed under seal pursuant to the Stipulated Protective Order.

64. Attached hereto as Exhibit 62 is a true and correct copy of VWGOA’s written discovery answers, Ex. A to 3rd Supplemental Answers to Glover’s First Interrogatories, which is being filed under seal pursuant to the Stipulated Protective Order.

65. Attached hereto as Exhibit 63 is a true and correct copy of VWGOA’s written discovery answers, Ex. A to 4<sup>th</sup> Amended Answers to Glover’s First Interrogatories, which is being filed under seal pursuant to the Stipulated Protective Order.

66. Attached hereto as Exhibit 64 is a true and correct copy of a Spreadsheet created from Defendants’ written discovery responses and objections and document productions, which is being filed under seal pursuant to the Stipulated Protective Order.

Respectfully submitted this the 14<sup>th</sup> day of October 2021.

/s/ *Michael J. Melkersen*  
Michael J. Melkersen, Esq.

**CERTIFICATE OF SERVICE**

I, Michael J. Melkersen, hereby certify that on this date I served a true and correct copy of the foregoing Declaration upon counsel of record for Defendants, using the Court's CM/ECF filing system, which will send notification of electronic filing (NEF) to all counsel of record.

Dated: October 14, 2021

/s/ Michael J. Melkersen

Michael J. Melkersen